

AMENDED IN SENATE JANUARY 23, 2006

AMENDED IN SENATE JANUARY 17, 2006

AMENDED IN SENATE JANUARY 4, 2006

## **SENATE BILL**

**No. 1032**

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**Introduced by Senator Hollingsworth**

February 22, 2005

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An act to amend Sections 331 ~~and 332~~, 332, *and* 4332 of, and to amend, repeal, and add Section 4334 of, the Fish and Game Code, relating to hunting, ~~and making an appropriation therefor.~~

### LEGISLATIVE COUNSEL'S DIGEST

SB 1032, as amended, Hollingsworth. Antelope, elk, and deer hunting.

(1) Existing law authorizes a resident of the state to obtain a license tag for the taking of antelope or elk if certain requirements are met. Existing law fixes the fee for an antelope license tag at \$55 per person and the fee for an elk license tag at \$165 per person, and specifies that only a resident of the State of California possessing a valid hunting license may obtain a license tag for the taking of antelope or elk, as provided. Existing law requires the Fish and Game Commission to annually direct the Department of Fish and Game to authorize the sale of a specified number of antelope, elk, and deer license tags that may be sold at auction to residents or nonresidents, as provided.

This bill would authorize any person generally, without regard to residency, to obtain an antelope or elk license tag if certain requirements are met. The bill would also require the commission on or before July 1, 2007, and by regulation, to fix the antelope license tag fee for a nonresident of the state at not less than \$55 and to fix the elk license tag fee for a nonresident of the state at not less than \$165.

(2) Existing law requires the Fish and Game Commission to annually direct the Department of Fish and Game to authorize the sale, by auction or other method, of not more than 10 deer license tags to raise funds for programs and projects to benefit deer. Existing law continuously appropriates funds derived from the sale of ~~these~~ license tags to the department for a deer herd management program.

This bill would, beginning January 1, 2008, increase the number of deer license tags authorized to be sold to 100, ~~thereby making an appropriation by increasing the amount of money that is derived from the sale of these tags and, thereafter, continuously appropriated to the department.~~ The bill would require the department to authorize specified nonprofit conservation organizations to sell the license tags. The bill would ~~make an appropriation by expanding the purposes for which these continuously appropriated funds may be expended to include delete the provision continuously appropriating funds derived from the sale of these license tags to the department, and instead would require the department to expend those funds, upon appropriation, for specified purposes, including, but not limited to, the reimbursement of those~~ nonprofit conservation organizations for their actual costs incurred in connection with the sale of the license tags.

The bill would require the commission to annually direct the Al Taucher's Preserving Hunting and Sport Fishing Opportunities Advisory Committee to make certain recommendations regarding deer license tags.

(3) *Existing law permits any resident of this state who possesses a valid hunting license to procure one license tag for the taking of one deer, as provided. Existing law continuously appropriates funds derived from the sale of these license tags to the department for a deer herd management program.*

*This bill would delete the provision continuously appropriating funds to the department, and instead require the department to expend those funds for a deer herd management program upon appropriation.*

Vote: majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 331 of the Fish and Game Code is  
2 amended to read:

331. (a) The commission may determine and fix the area or areas, the seasons and hours, the bag and possession limit, and the sex and total number of antelope (*Antilocapra americana*) that may be taken under regulations which the commission may adopt from time to time. Only a person possessing a valid hunting license, who has not received an antelope license tag under these provisions during a period of time specified by the commission, may obtain a license tag for the taking of antelope.

(b) The department may issue a license tag upon payment of a fee. The fee for a license tag shall be fifty-five dollars (\$55) for a resident of the state, as adjusted under Section 713. On or before July 1, 2007, the commission shall, by regulation, fix the fee for a nonresident of the state at not less than a fee of fifty-five dollars (\$55), as adjusted under Section 713. The fee shall be deposited in the Fish and Game Preservation Fund and shall be expended, in addition to money budgeted for salaries of persons in the department, for the expense of implementing this section.

(c) The commission shall direct the department to annually authorize not less than one antelope tag or more than 1 percent of the total number of tags available for the purpose of raising funds for programs and projects to benefit antelope. These tags may be sold at auction to residents or nonresidents of the state or by another method and are not subject to the fee limitation prescribed in subdivision (b).

SEC. 2. Section 332 of the Fish and Game Code is amended to read:

332. (a) The commission may determine and fix the area or areas, the seasons and hours, the bag and possession limit, and the number of elk that may be taken under rules and regulations which the commission may adopt from time to time. The commission may authorize the taking of tule elk if the average of the department's statewide tule elk population estimates exceeds 2,000 animals, or the Legislature determines, pursuant to the reports required by Section 3951, that suitable areas cannot be found in the state to accommodate that population in a healthy condition.

(b) Only a person possessing a valid hunting license may obtain a license tag for the taking of elk.

(c) The department may issue an elk license tag upon payment of a fee. The fee for a license tag shall be one hundred sixty-five dollars (\$165) for a resident of the state, as adjusted under Section

1 713. On or before July 1, 2007, the commission shall, by regulation,  
2 fix the fee for a nonresident of the state at not less than one hundred  
3 sixty-five dollars (\$165), as adjusted under Section 713. The fees  
4 shall be deposited in the Fish and Game Preservation Fund and  
5 shall be expended, in addition to money budgeted for salaries of  
6 the department, for the expense of implementing this section and  
7 Section 3951.

8 (d) The commission shall annually direct the department to  
9 authorize not more than three elk hunting license tags for the  
10 purpose of raising funds for programs and projects to benefit elk.  
11 These license tags may be sold at auction to residents or  
12 nonresidents of the state or by another method and are not subject  
13 to the fee limitation prescribed in subdivision (c).

14 *SEC. 3. Section 4332 of the Fish and Game Code is amended*  
15 *to read:*

16 4332. (a) Any resident of this state, 12 years of age or over,  
17 who possesses a valid hunting license, may procure one license  
18 tag for the taking of one deer by one person during the current  
19 license year, upon payment of the base fee of ten dollars (\$10) for  
20 the license year beginning July 1, 1986, and the base fee as adjusted  
21 under Section 713 for subsequent license years.

22 (b) Any nonresident of this state, 12 years of age or over, who  
23 possesses a valid hunting license, may procure one license tag for  
24 the taking of one deer by one person during the current license  
25 year, upon payment of the base fee of one hundred dollars (\$100)  
26 for the license year beginning July 1, 1986, and the base fee as  
27 adjusted under Section 713 for subsequent license years.

28 (c) If provided in regulations adopted by the commission under  
29 Section 200, any resident of this state, 12 years of age or over,  
30 who possesses a deer tag may procure one additional deer tag for  
31 the taking of one additional deer during the current license season,  
32 upon payment of the base fee of twelve dollars and fifty cents  
33 (\$12.50) for the license years beginning July 1, 1986, and the base  
34 fee as adjusted under Section 713 for subsequent license years.

35 (d) If provided in regulations adopted by the commission under  
36 Section 200, any nonresident of this state, 12 years of age or over,  
37 who possesses a deer tag may procure one additional deer tag for  
38 the taking of one additional deer during the current license season,  
39 upon payment of the base fee of one hundred dollars (\$100) for

1 the license year beginning July 1, 1986, and the base fee as adjusted  
2 under Section 713 for subsequent license years.

3 (e) The revenue received pursuant to this section shall be  
4 deposited in the Fish and Game Preservation Fund, and;  
5 ~~notwithstanding Section 13340 of the Government Code, 54~~  
6 ~~percent of the amount deposited in that fund pursuant to this section~~  
7 ~~each year is hereby continuously appropriated to the department~~  
8 ~~for expenditure upon appropriation by the Legislature, shall be~~  
9 ~~expended by the department~~ for the purpose of implementing the  
10 deer herd management plans prepared pursuant to Chapter 5  
11 (commencing with Section 450) of Division 1.

12 ~~The amount appropriated for implementation of deer herd~~  
13 ~~management plans by this subdivision is intended to be in addition~~  
14 ~~to, and not a replacement for, the funds budgeted in that year or~~  
15 ~~the previous year to the department from the Fish and Game~~  
16 ~~Preservation Fund for deer management.~~

17 ~~SEC. 3.~~

18 SEC. 4. Section 4334 of the Fish and Game Code is amended  
19 to read:

20 4334. (a) (1) The commission shall annually direct the  
21 department to authorize, pursuant to Section 1054.8, the sale of  
22 not more than 10 deer license tags solely for the purpose of raising  
23 funds for programs and projects to benefit deer. These tags may  
24 be sold to residents or nonresidents of the state at auction or by  
25 any other method and are not subject to the fees prescribed by  
26 Section 4332.

27 ~~(2) Notwithstanding Section 13340 of the Government Code,~~  
28 ~~all funds derived from the sale of these tags are hereby~~  
29 ~~continuously appropriated, without regard to fiscal years, to the~~

30 (2) *Upon appropriation by the Legislature, all funds derived*  
31 *from the sale of these tags shall be expended by the department to*  
32 *implement Chapter 5 (commencing with Section 450) of Division*  
33 *1. These funds shall augment, not supplant, any other funds*  
34 *appropriated to the department for the preservation, restoration,*  
35 *utilization, and management of deer. All revenues derived from*  
36 *the sale of these tags shall be remitted to the department by the*  
37 *seller.*

38 (b) This section shall remain in effect only until January 1, 2008,  
39 and as of that date is repealed, unless a later enacted statute, that  
40 is enacted before January 1, 2008, deletes or extends that date.

1     ~~SEC. 4.~~

2     SEC. 5. Section 4334 is added to the Fish and Game Code, to  
3 read:

4     4334. (a) The commission shall annually direct the department  
5 to authorize, pursuant to Section 1054.8, the sale of not more than  
6 100 deer license tags solely for the purpose of raising funds for  
7 programs and projects to benefit deer. The department shall  
8 authorize nonprofit conservation organizations whose mission  
9 includes conservation of deer and other wildlife to sell these tags  
10 to residents or nonresidents of the state at auction or by any other  
11 method and are not subject to the fees prescribed by Section 4332.  
12 The seller shall remit revenues derived from the sale of these tags  
13 to the department.

14     ~~(b) Notwithstanding Section 13340 of the Government Code,~~  
15 ~~funds derived from the sale of these tags are continuously~~  
16 ~~appropriated, without regard to fiscal years, to the department for~~

17     (b) Upon appropriation by the Legislature, all funds derived  
18 from the sale of these tags shall be expended by the department  
19 for both of the following purposes:

20     (1) To implement Chapter 5 (commencing with Section 450)  
21 of Division 1. These funds shall augment, not supplant, any other  
22 funds appropriated to the department for the preservation,  
23 restoration, utilization, and management of deer. The priority use  
24 of these funds shall be to purchase conservation easements from  
25 willing landowners who manage their lands consistent with Chapter  
26 5 (commencing with Section 450).

27     (2) To reimburse the nonprofit conservation organizations who  
28 sell the tags for their actual costs incurred in connection with the  
29 sale.

30     (c) The commission shall annually direct the Al Taucher's  
31 Preserving Hunting and Sport Fishing Opportunities Advisory  
32 Committee to make recommendations to the commission on all of  
33 the following matters:

34     (1) Method of sale for each deer license tag by auction, raffle,  
35 sealed bid, or otherwise.

36     (2) Method of allocating deer license tags to qualified nonprofit  
37 conservation organizations.

38     (3) Deer license tag zones.

39     (4) Special hunting and fishing season dates.

40     (5) Allocation of funds derived pursuant to subdivision (a).

- 1 (d) For the purpose of determining the number of deer license
- 2 tags authorized to be sold pursuant to this section, the department
- 3 shall utilize the best available scientific data.
- 4 (e) The implementation of this section shall not cause an increase
- 5 in the annual allocation of deer license tags.
- 6 (f) This section shall become operative on January 1, 2008.

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